

JOHN MCCAIN
ARIZONA

COMMITTEE ON ARMED SERVICES
COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
COMMITTEE ON INDIAN AFFAIRS

United States Senate

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May 1, 2008

Mr. Gary Stumpf
Bureau of Land Management
222 North Central Avenue
AZ931
Phoenix, AZ 85004-2203

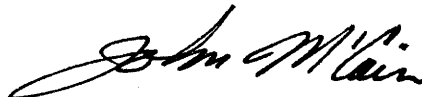
Dear Mr. Stumpf:

I wish to bring to your attention a matter concerning Ex. 6 who have encountered a problem with their land.

Because the situation is under your jurisdiction, I am respectfully referring this matter to you for consideration. I feel that this issue would be better addressed by you and request that you respond directly to Ex. 6

Thank you.

Sincerely,



John McCain
United States Senator

JM/tar
Enclosure(s)

Department of Land Management

1000

920
950
Field Office
Central Files
FOIA
Action

SSC
Field Office
Central Files
FOIA
Action

Ex. 6

Elaine Zielinski
Director AZ BLM
One North Central Ave.
Phoenix, AZ 85004-4427

Dear Sir

I am Ex. 6 My wife Ex. 6 and I own the Ex. 6 Ranch in Yavapai county, Arizona. The ranch includes a 40 acre inholding in the Arrastra Wilderness Area. This 40 acre inholding has been described as the 'crown jewel' of the all the wilderness areas managed by the BLM in Arizona.

Sixteen years ago, without notification, the BLM bulldozed off the road to our property and put up barriers. They told us that the law required they give us access and would give us a permit. In the process of following the "administrative procedures" it took 5 years to get to a "final" decision. With protests from what I call the "Big 4" (National Wildlife Federation, The Wilderness Society., The Sierra Club, and The Audubon Society) it was sent to the IBLA (Interior Board of Land Appeals). It took the IBLA three years to reach a decision. In January of 2000 Sylvia Baca, the Assistant Secretary of Interior, denied that decision. The reason given after 8 years was for "further review".

At this time we filed a writ of mandamus to require the BLM to follow their own law. Three judges later, one died, one was too busy, a New Hampshire judge ruled that the BLM would have to redo the EIS (Environmental Impact Statement). This was appealed to the 9th Circuit Court of Appeals. The 9th Circuit Court told us to mediate. During mediation it was agreed that the best solution was for us to sell and either the Government or the Environmental groups to purchase the 40 acres. Mediation fell apart when an attorney for the National Wildlife Federation stated that if he thought the BLM was paying too much for the property he would stop the sale using the NEPA process. The BLM then withdrew it's appeal. Currently the BLM has conveniently ignored the judges order issued four years ago to redo the EIS.

During this process another attorney for the "Big 4" promised to keep us in court another 4 years when or if we win.

Also during this time we have had a pipeline cut in 15 pieces, a well filled with

rocks, corrals trashed, fences cut, a bull shot, and signs trashed and miscellaneous vandalism..

The costs for keeping us off our property has been estimated to be in the 3 million dollar category. The cost to the Ex. 6 Ranch has been well over 750 thousand dollars. The cost to the BLM is estimated to be well over a million dollars. The cost to the environmental organizations is also estimated at over one million dollars.

The options for solutions are few.

1. We can wait for the "administrative process". At age Ex. 6, I no longer have the time, energy or money to wait.
2. We could file a takings law suit. Again we no longer have the time, energy, or money to wait.
3. The BLM or the Environmental groups could purchase the 40 acres. For us this is a working option.
4. A lease or a lease-purchase is also an option. This option is also a viable for us.

Having done all that we have been asked to do and to have been conveniently ignored whenever possible for sixteen years, our options to stimulate action for a lease or purchase are few. If this last request for help doesn't produce results, with at the least some serious and sincere negotiations, we plan to resort to trashing the "crown jewel" of the Arrastra Wilderness Area with graffiti to stimulate action.

We would really rather not trash our portion of the wilderness area. Please help us find a better way to stimulate positive negotiations.

Thank you,

Ex. 6

3/12/08

cc: Dirk Kempthorne
George W. Bush
John McCain
Jon Kyle

APR 22 2008

K Mahoney
4/22/08
off Jones 4/22/08
Johnston
4/22/08
L Jackson 4/22/08

In Reply Refer To:
6300 (AZ-931)

Ex. 6

Dear

Ex. 6


Thank you for your letter signed March 12, 2008, concerning your 40-acre property within the Arrastra Mountain Wilderness. The Bureau of Land Management (BLM) continues to have an interest in acquiring your 40 acres, as an option which you expressed in your letter. I understand that the events that have occurred over the years since you purchased the Ex. 6 Ranch have presented a difficult situation for you, as well as the BLM. At the time that the wilderness area was established, the BLM took action at the wilderness boundary to preclude unauthorized motor vehicles from entering the area as prescribed by the Wilderness Act. Travel within the wilderness area by horseback or on foot is allowed.

As you know, the BLM has made several efforts, during the time you have had the ranch, to purchase your 40 acres with money available from the Land and Water Conservation Fund and to facilitate an exchange of your property for BLM lands identified for such purposes. The BLM remains available to consider these possible methods to acquire your property. As the court case referred to in your letter reached settlement in June 2007, the BLM may now work on additional issues related to your concerns.

I hope that we can continue to work with you to resolve your concerns and acquire the wilderness inholding, as you suggest. Knowing that you have been communicating with our Deputy State Director, Michael Taylor, I ask that you contact him at 602-417-9231 to further discuss the options you have presented.

Again, thank you for your letter. I appreciate your continued willingness to work together on these matters.

Sincerely,


Elaine Y. Zielinski
State Director

cc: The Honorable John McCain
United States Senator
241 Russell Senate Building
Washington, D.C. 20510

The Honorable Jon Kyl
United States Senator
730 Hart Senate Building
Washington, D.C. 20510

bc: WO-615, 401 LS
AZ-310

Ex. 6

djj:04/21/08